

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS
LIABILITY LITIGATION

MDL No. 2419
Dkt. No. 1:13-md-2419

THIS DOCUMENT RELATES TO:

All Actions

REVISED JOINT MOTION FOR ORDER TO SET BRIEFING SCHEDULE

The Plaintiffs' Steering Committee (the "PSC") and counsel for the following parties: BKC Pain Specialists, LLC, Adil Katabay, M.D. and Nikesh Batra, M.D. (collectively, the "BKC Defendants"), conferred in order to establish a revised briefing schedule for the BKC Defendants' Rule 12(b)(6) Motion to Dismiss (Dkt. 896). As a result, the parties have agreed to the following revised briefing schedule:

1. The PSC will file its Opposition to the Motion to Dismiss filed by the BKC Defendants no later than **April 4, 2014**;
2. The BKC Defendants will file a Reply to the PSC's Opposition to the Motion to Dismiss no later than **April 18, 2014**; and
3. If necessary, the PSC may file a sur-reply to the Reply to the PSC's Opposition to the Motion to Dismiss filed by the BKC Defendants no later than **May 2, 2014**.

The parties respectfully request that the Court enter the attached order to formalize the above-described revised briefing schedule.

In addition, pursuant to Local Rule 7.1(d), the parties request that the Court reserve a date for oral argument of the above-referenced Motion to Dismiss.

Dated: March 19, 2014

Respectfully submitted,

/s/ Kimberly A. Dougherty

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*Counsel for BKC Pain Specialists, LLC, Adil Katabay,
M.D. and Nikesh Batra, M.D.*

CERTIFICATE OF SERVICE

I, Kimberly A. Dougherty, hereby certify that I caused a copy of the foregoing *Revised Joint Motion for Order to Set Briefing Schedule*, to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: March 19, 2014

/s/ Kimberly A. Dougherty
Kimberly A. Dougherty
BBO #658014

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ORDER

On March 19, 2014, the Plaintiffs' Steering Committee and counsel for BKC Pain Specialists, LLC, Adil Katabay, M.D. and Nikesh Batra, M.D. (collectively, the "BKC Defendants") filed a Revised Joint Motion for Order to Set Briefing Schedule (the "Motion"). The Court finds good cause for the Motion and hereby grants the Motion and orders as follows:

1. The PSC will file its Opposition to the Motion to Dismiss filed by the BKC Defendants no later than **April 4, 2014**;
2. The BKC Defendants will file a Reply to the PSC's Opposition to the Motion to Dismiss no later than **April 18, 2014**; and
3. If necessary, the PSC may file a sur-reply to the Reply to the PSC's Opposition to the Motion to Dismiss filed by the BKC Defendants no later than **May 2, 2014**.
4. Any reply and sur-reply shall not exceed 5 pages in length.

So Ordered.

Rya W. Zobel
United States District Judge

Dated: _____, 2014